

Application No.: 10/648,940
Filed: August 27, 2003
AMENDMENT AND RESPONSE TO OFFICE ACTION
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REMARKS

I. Introduction

The application has been carefully reviewed in light of the Office Action dated November 23, 2005. This communication is believed to be a full and complete response to that Office Action. Claims 1-34 were pending in the present application prior to entry of this response. By the present Office Action, Claims 1-34 have been rejected.

By the present amendment, Claims 1-8, 10, 16-19, 22-25, 27, 28 and 31-34 have been amended. Claims 35 and 36 have been added. Claims 9, 11-15, 20, 21, 26, 29 and 30 remain pending in the application. Upon entry of the present amendment, Claims 1-36 are present.

Support for these amendments can be found in the original specification, and thus, no new matter has been added. Applicant reserves the right to pursue all original claims in this or other patent applications. Reconsideration and reexamination of the present application is respectfully requested in light of the foregoing amendments and in view of the following remarks, which establish that the pending claims are directed to allowable subject matter.

I. SUMMARY OF THE AMENDMENTS

In the Claims

Claims 1-8, 10, 16-19, 22-25, 27, 28 and 31-34 have been amended to clarify the limitations of the claimed invention or otherwise further define the claimed invention. Claims 35 and 36 have been added to further define the claimed invention.

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II. FORMALITIES

Priority

The Examiner noted that a claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on application 0105223.2 filed in Great Britain on February 3, 2001 since application PCT/US02/08007 (filed March 4, 2002) was filed more than twelve months thereafter. The Examiner is thanked for further noting that a typographical error may exist in the executed Declaration of November 22, 2004. Upon review, it was found that a typographical error did occur in that the filing date was indicated as 03/02/2001 (dd/mm/yyyy) instead of 02/03/2001 (dd/mm/yyyy). An executed substitute declaration has been requested from the inventor and will be forwarded to the Patent Office when it is received. A certified copy of priority application No. GB 0105223.2 application has also been requested and will be submitted in accordance with MPEP 201.13(B) when it is received. For the Examiner's convenience, a copy of the first page of the application is attached indicating the application date as 2 March 2001.

Claim Objections

Claims 8 and 10 were objected to due to minor informalities. Specifically, both claims recite "The package as claimed in any of claim [X]..." Claims 8 and 10 have been amended to overcome these objections.

III. CLAIM REJECTIONS

Under 35 U.S.C. § 102

Amended Claim 1 and its dependent Claims 2-17 are patentable over the cited art

The Examiner has rejected Claims 1-3, 7-13, 15-17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,880,115 to **Chaussadas**. The Examiner has rejected Claims

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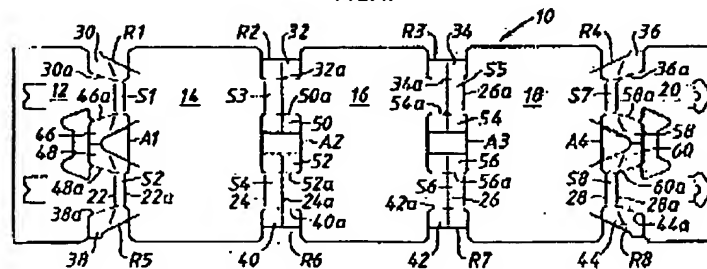
1, 4-6, 14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,817,473 to Foster.

Claim 1 has been amended in part to recite, in relevant part:

[A] beam structure arranged to form a tubular structure that encircles said articles, said beam structure comprising: first and second opposite ends, wherein said beam structure is arranged to be placed in said recess and is hingedly connected at said first opposite end to said base wall; ***at least one medial fold line extending along the length of said beam structure; and at least one angled fold line extending between an end of said at least one medial fold line and one of said opposite ends of said beam structure.***

Chaussadas fails to disclose at least the features of the invention of amended Claim 1 that are emphasized above in bold italics. Rather, the elements of **Chaussadas** that are connected to the base wall 12 (spacer portion S2) include transverse fold lines 22, 22a which clearly do not extend between the end of spacer portion S2 that is attached to the base wall 12 and the opposite end of the spacer portion S2. For clarity, FIGs. 1 and 3 of **Chaussadas** are reproduced below.

FIG. 1.

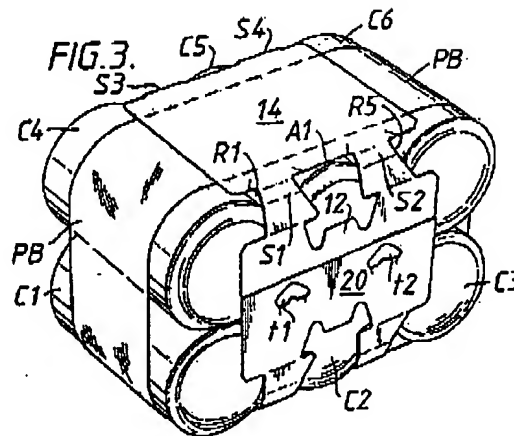


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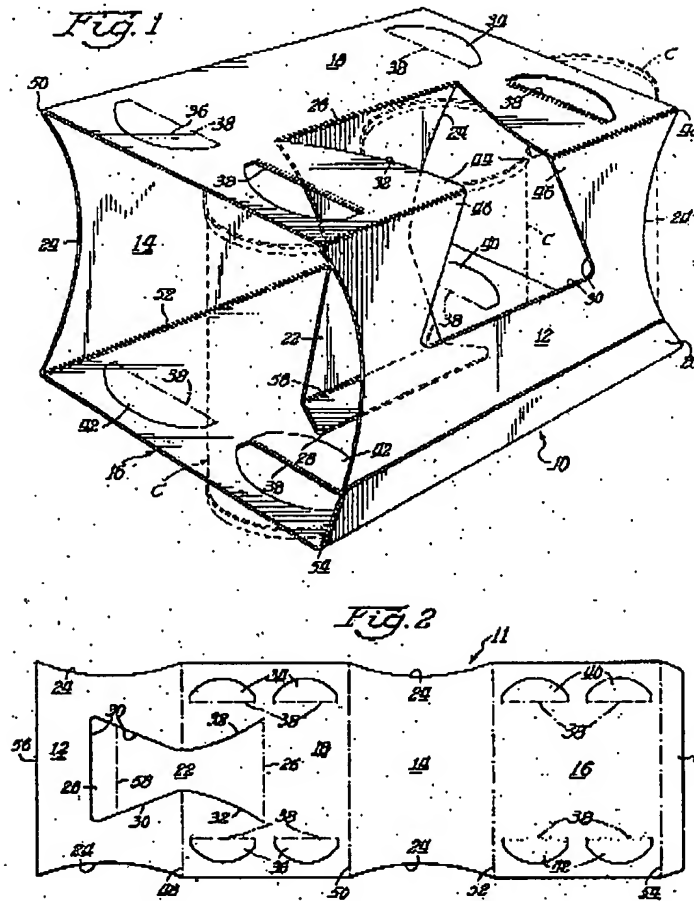
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Likewise, **Foster** fails to disclose at least the features of the invention of amended Claim 1 that are emphasized above in bold italics. Rather, the elements of **Foster** that are connected to the bottom wall panel 16 (a partition wall 22 and a flap 28) include a hinge line 58 that clearly does not extend between the end of the partition wall 22 that is attached to the bottom wall panel 16 and an opposite end of the partition wall 22. For clarity, FIGs. 1 and 2 of **Foster** are reproduced below.

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Claims 2-8, 10, 16, and 17 have been amended to be consistent with the features disclosed in amended Claim 1.

Furthermore, none of the references made of record and not relied upon discloses at least the features of the invention of amended Claim 1 that are emphasized above in bold italics. Because none of the cited references anticipate or otherwise disclose the invention of amended Claim 1, amended Claim 1 is patentable over these references. Claims 2-17 depend from amended Claim 1 and, thus, are patentable as well. The Applicant respectfully requests withdrawal of the rejection of these claims.

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Amended Claim 18 and its dependent Claims 19-26 are patentable over the cited art

The Examiner has rejected Claims 18-20 and 22-26 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,880,115 to **Chaussadas**. The Examiner has rejected Claims 18 and 21 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,568,585 to **Marie**.

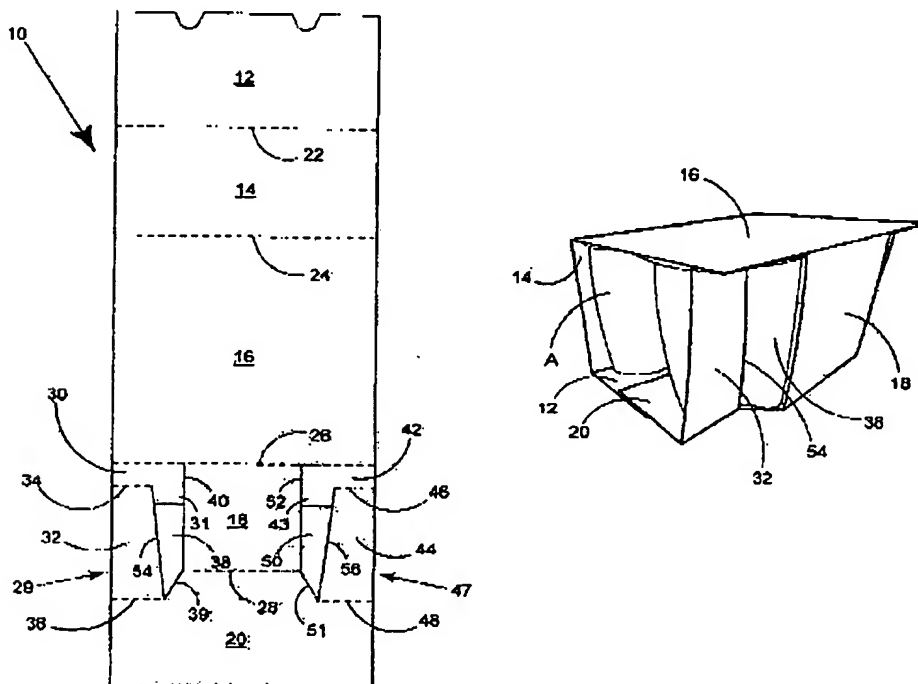
Claim 18 has been amended in part to recite:

[A] beam forming portion, said beam forming portion comprising: ***first and second opposite ends; at least one medial fold line extending along the length of said beam forming portion; at least one angled fold line extending between an end of said at least one medial fold line and one of said opposite ends of said beam forming portion; and a bracket panel disposed at at least one of said opposite ends of said beam forming portion and being defined at least in part by said at least one angled fold line;*** said first opposite end of said beam forming portion being hingedly connected to said one base wall panel and a second opposite end of said beam forming portion extending to said adjacent wall panel.

Chaussadas fails to disclose at least the features of the invention of amended Claim 18 that are emphasized above in bold italics. Rather, the elements of **Chaussadas** that are connected to the base wall 12 (spacer portion S2) include transverse fold lines 22, 22a which clearly do not extend between the end of spacer portion S2 that is attached to the base wall 12 and the opposite end of the spacer portion S2. See FIG. 1 of **Chaussadas** above.

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Likewise, **Marie** fails to disclose at least the features of the invention of amended Claim 18 that are emphasized above in bold italics. Rather, the elements of **Marie** that are connected to the base panel 20 (side wall panel 18) clearly do not include at least one fold line that extends between the end of the side wall panel 18 that is attached to the base panel 20 and the opposite end of the side wall panel 18. Additional elements of **Marie** that are connected to the base panel 20 (side retention panels 32, 44) also do not include at least one fold line that extends between the end of a respective side retention panel 32, 44 that is attached to the base panel 20 and the opposite end of the side retention panel 32, 44. For clarity, FIGs. 1 and 5 of **Marie** are reproduced below.



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Claims 19 and 22-25 have been amended to be consistent with the features disclosed in amended Claim 18.

Furthermore, none of the references made of record and not relied upon discloses at least the features of the invention of amended Claim 18 that are emphasized above in bold italics. Because none of the cited references anticipate or otherwise disclose the invention of amended Claim 18, amended Claim 18 is patentable over these references. Claims 19-26 depend from amended Claim 18 and, thus, are patentable as well. The Applicant respectfully requests withdrawal of the rejection of these claims.

Amended Claim 27 and its dependent Claims 28-34 are patentable over the cited art

The Examiner has rejected Claims 27-29 and 31-34 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,880,115 to **Chaussadas**. The Examiner has rejected Claims 27 and 30 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,568,585 to **Marle**. Claim 27 has been amended to recite:

[A] beam structure , said beam structure comprising: ***first and second opposite ends; at least one medial fold line extending along the length of said beam structure; at least one angled fold line extending between an end of said at least one medial fold line and one of said opposite ends of said beam forming portion; and a bracket panel disposed at at least one of said opposite ends of said beam structure and being defined at least in part by said at least one angled fold line;*** said first opposing end of said beam structure being hingedly connected to said one base wall panel and said second opposing end of said beam structure extending to said adjacent wall panel.

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Chaussadas fails to disclose at least the features of the invention of amended Claim 27 that are emphasized above in bold italics. Rather, the elements of **Chaussadas** that are connected to the base wall 12 (spacer portion S2) include transverse fold lines 22, 22a which clearly do not extend between the end of spacer portion S2 that is attached to the base wall 12 and the opposite end of the spacer portion S2. See FIG. 3 of **Chaussadas** above.

Likewise, **Marie** fails to disclose at least the features of the invention of amended Claim 27 that are emphasized above in bold italics. Rather, the elements of **Marie** that are connected to the base panel 20 (side wall panel 18) clearly do not include at least one fold line that extends between the end of the side wall panel 18 that is attached to the base panel 20 and the opposite end of the side wall panel 18. Additional elements of **Marie** that are connected to the base panel 20 (side retention panel 32, 44) clearly do not include at least one fold line that extends between the end of the side retention panel 32, 44 that is attached to the base panel 20 and the opposite end of the side retention panel 32, 44. See FIG. 5 of **Marie** above.

Claims 28 and 31-34 have been amended to be consistent with the features disclosed in amended Claim 27.

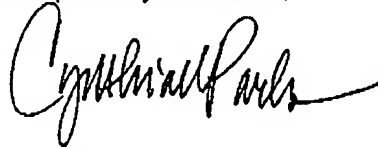
Furthermore, none of the prior art made of record and not relied upon discloses all these features. Because none of the cited references anticipate or otherwise disclose the invention of amended Claim 27, amended Claim 27 is patentable over these references. Claims 28-34 depend from amended Claim 27 and, thus, are patentable as well. The Applicant respectfully requests withdrawal of the rejection of these claims.

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IV. CONCLUSION

For at least the above reasons, Applicant respectfully requests allowance of the claims pending in this case and issuance of a patent containing these claims in due course. Should Examiner Pickett believe that a telephone conference would be useful to resolve any concerns and move this application to allowance, Examiner Pickett is respectfully requested to contact the undersigned at the telephone number listed below. Otherwise, Applicant respectfully requests timely issuance of a Notice of Allowance for the present application.

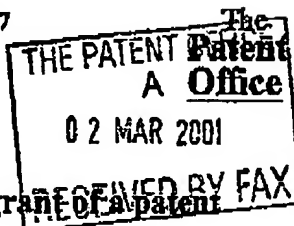
Respectfully submitted,



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Attorney Docket No.: D-7874

Patents Form 1/77

Patents Act 1977
Rule 16

Request for grant of a patent

02MAR01 E616584-1 D01072
P01/7700 0.00-0105223.2The Patent Office
Cardiff Road
Newport
Gwent NP9 1RH

1. Your Reference

APUK019991

2. Patent Application Number

0105223.2

02 MAR 2001

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Patents ADP Number

772095006

If the applicant is a corporate body, give the
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4. Title of the invention

Carton and Blank Therefor

5. Name of your agent

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to which all correspondence should be sentBloram Court
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United Kingdom

Patents ADP number

3608575007 ✓

6. If you are declaring priority from one or
more earlier patent applications, give the
country and the date of filing of the or of
each of these earlier applications and the
or each application number

Country

Priority Application Number Date of Filing

7. If this application is divided or otherwise Number of earlier application
derived from an earlier UK application,
give the number and the filing date of
the earlier application

Date of filing

8. Is a Statement of Inventorship and of right
to grant of a patent required in support of
this request

Yes

Patents Form 1/77

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